

January 8, 1976

SENATOR LUEDTKE: Mr. President, I move that LB 485, as amended, be advanced to E & R initial. I'll try not to breeze over it.

This bill, as I indicated, was introduced by the Judiciary Committee at the request of the State Patrol and the Bureau, under the State Patrol, that takes care of the investigation of drug related crimes. It comes about because of the fact that they think there should be some criminal sanction for what we call "legend drugs". Legend drugs are those drugs for which a prescription is required. If they, by fraud ... any person, by fraud, obtains a legend drug, a drug for which a prescription is required, they think then there should be some penalty, a penalty the same as that for obtaining a drug which is illegal because it's a controlled substance. In other words, the Patrol wants you to be able to have a penalty. They decided that since a legend drug may be a lesser dangerous type drug that we're dealing with in most instances that, therefore, they would go for the amendment which we've just adopted to make it be a misdemeanor rather than a felony. I guess, in effect, I might say that ... somebody had suggested a little while ago that maybe the amendment is the bill. I guess really it does make the bill because it actually says we'll have a criminal sanction if you fraudulently obtain a prescription drug. It will be a misdemeanor and not a felony. Now it isn't either. It isn't a crime at all. So we're making a misdemeanor out of it.

This is actually In other words, they could I might also add the testimony at the hearing revealed that there were other ways of subterfuge being used in obtaining legend drugs that actually they could be brought into court for fraud. This is the reason they want this kind of authority.

PRESIDENT: The question is the advancement of the bill. Record your vote. Please vote. Have you voted? Record.

CLERK: 25 ayes, 0 nays.

PRESIDENT: The bill is advanced.

CLERK: Mr. President, Senator Anderson asks that LB 412 be laid over.

PRESIDENT: I'm sorry. I was talking to Senator Keyes. What was that, Mr. Clerk?

CLERK: Senator Anderson would like to have LB 412, which is the next bill, laid over. So the next one will be LB 413.

PRESIDENT: Is there an objection to bracketing LB 412 ... laying it over. Alright, it shall be done.

CLERK: (Read title to LB 413.) There are no committee amendments or other amendments pending.